

# **Title: Jurisdictional Immunity of States**

## **Abstract**

The major purpose of this diploma thesis is to clarify the situation of jurisdictional immunity and immunity from enforcement measures of states. This thesis is composed of two main parts. In the first part the institute of jurisdictional immunity of states is explained. The first part is divided into several chapters which are dedicated to the specific aspects of jurisdictional immunity. The first chapter deals with the theoretical terms which are closely related the topic such as sovereignty of state and jurisdiction. It was also necessary to explain the difference between the state acts *iure imperii* and *iure gestionis*. The following chapter is dedicated to the explanation of the historical evolution of this institute documented by the most significant decisions of national courts which have strongly influenced forming of the state immunities. The legal sources are described in the following chapter, a special attention is paid to the international treaties, national legal acts and also to the situation in the Czech Republic. The last chapter of the first part deals with the exceptions from jurisdictional immunity.

The second part of the thesis is focused on the topic of state immunity from enforcement measures. This institute is a secondary immunity of states which restricts the enforcement powers of national courts or other organs. The second part provides an explanation of the historical evolution of this institute documented by the most significant decisions of national courts as it is in case of jurisdictional immunity in the first part. The first chapter deals with the absolute concept of state immunity from enforcement measures, however, this concept is not common nowadays. Therefore the rest of the first part is focused on the restrictive concept of state immunity from enforcement measures. There is also a chapter describing the legal sources, and a chapter dealing with the conditions which must be met before applying such measures. A special attention is paid to the attachment of bank accounts allocated for the financing of a diplomatic mission documented by the decisions of national courts.